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9 *Conservation & Development Commission*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
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14 **SAN FRANCISCO BAY CONSERVATION AND**
15 **DEVELOPMENT COMMISSION,**

16 Plaintiff,
17 and

18 **SAN FRANCISCO BAYKEEPER,**

19 Plaintiff-Intervenor,

20 **v.**

21 **UNITED STATES ARMY CORPS OF ENGINEERS;**
22 **LIEUTENANT GENERAL TODD T. SEMONITE,**
23 **IN HIS OFFICIAL CAPACITY; LIEUTENANT**
24 **COLONEL JOHN C. MORROW, IN HIS OFFICIAL**
25 **CAPACITY; AND DOUGLAS J. LAMONT,**
26 **ASSISTANT SECRETARY OF THE ARMY FOR**
27 **CIVIL WORKS, IN HER OFFICIAL CAPACITY,**

28 Defendants.

Case No. C 3:16-CV-05420-RS

STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE
STATEMENT AND ORDER

Date: May 25, 2017

Time: 10:00 a.m.

Location: Courtroom 3, 17th Floor

Action Filed: September 22, 2016

1 Plaintiff San Francisco Bay Conservation and Development Commission (“Commission”),
2 Plaintiff-Intervenor San Francisco Baykeeper (“Baykeeper”), and Defendants United States Army
3 Corps of Engineers, Lieutenant General Todd T. Semonite, Lieutenant Colonel John C. Morrow,
4 and Douglas J. LaMont (hereafter “Federal Defendants”), by and through their counsel of record,
5 hereby submit the following stipulation to continue the case management conference:

6 **WHEREAS**, this Court granted the motion to intervene of San Francisco Baykeeper as a
7 plaintiff-intervenor on April 25, 2017;

8 **WHEREAS**, Federal Defendants circulated to the Commission, who in turn circulated to
9 Baykeeper, a draft index to the administrative record on April 28, 2017;

10 **WHEREAS**, on May 15, 2017, the Commission and Baykeeper sent to Federal Defendants
11 a detailed list of general and specific questions concerning the scope and content of the draft
12 index to the administrative record;

13 **WHEREAS**, the Commission has informed the parties that it intends to move to file a
14 supplemental complaint pursuant to Federal Rule of Civil Procedure Rule 15(d), and Federal
15 Defendants have agreed to consider stipulating to allow the Commission to file a supplemental
16 complaint, which will affect the scope and content of the administrative record;

17 **WHEREAS**, the parties have begun the process of discussing the scope and content of the
18 administrative record, the Commission’s proposed filing of a supplemental complaint and other
19 matters and have scheduled a further, more substantive discussion on the administrative record on
20 June 5, 2017;

21 **WHEREAS**, in light of the foregoing, the parties have collectively determined that the best
22 course of action at this stage is to stipulate to continue the case management conference for
23 several weeks to allow the parties sufficient time to determine whether they will be able to reach
24 an agreement on the scope and content of the administrative record, or whether plaintiff and
25 plaintiff-intervenor will need to file a motion to supplement the administrative record, and for
26 Federal Defendants to determine whether they will agree to stipulate to the filing of the
27 Commission’s supplemental complaint or whether the Commission will need to file a motion to
28 supplement the complaint.

That the case management conference currently scheduled for May 25, 2017 at 10:00 am in this Court be continued to June 29, 2017 at 10:00 am, or such other later date as may be convenient for the Court, to allow the parties to continue to meet and confer regarding the scope and content of the administrative record, the filing of a supplemental complaint and other issues concerning this litigation, to ensure that the further case management conference is maximally productive with respect to the issues to be decided at this stage of the litigation.


/s/ David B. Glazer
DAVID B. GLAZER
*Attorneys for Defendants United States Army
Corps of Engineers, Todd T. Semonite, John
C. Morrow, and Douglas J. LaMont*

1 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

2 Pursuant to the foregoing stipulation of the parties, the case management conference is
3 hereby continued to June 29, 2017 at 10:00 am in Courtroom 3. The parties' joint case
4 management statement is due on or before June 22, 2017.

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6 **IT IS SO ORDERED.**

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8 Dated: May 18, 2017

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Hon. Richard G. Seeborg
UNITED STATES DISTRICT JUDGE